

CORRECTED FISCAL NOTE

SB 115 - HB 120

March 5, 2008

SUMMARY OF BILL: Creates new Class E felony offenses for knowingly assaulting a law enforcement or correctional officer and for removing a chemical weapon or handcuffs from a law enforcement or correctional officer. Creates a new Class D felony offense for removing a firearm or stun weapon from a law enforcement or correctional officer. Creates a new Class B felony offense for aggravated assault on a law enforcement or correctional officer.

ESTIMATED FISCAL IMPACT:

On February 7, 2007, we issued a fiscal note indicating *an increase in state expenditures of \$2,155,700/Incarceration*, a decrease in local govt. expenditures exceeding \$100,000 and an increase in local govt. revenues less than \$100,000*. After further analysis, the fiscal impact of the bill is as follows:

(CORRECTED)

Increase State Expenditures - \$2,155,700 / Incarceration*

Decrease Local Revenue – Less than \$100,000

Decrease Local Expenditures – Exceeds \$100,000

Assumptions:

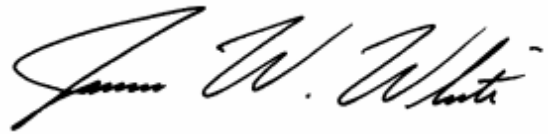
- Simple assault is currently punishable as a Class A or Class B misdemeanor. The Department of Correction (DOC) estimates approximately two percent of 10,000 misdemeanor convictions for simple assault statewide were assaults on law enforcement or correctional officers.
- According to data published by the Tennessee Bureau of Investigation, there has been an average of 1,554 simple assaults and 778 aggravated assaults per year for the past three years on law enforcement officers.
- According to DOC, there has been an average of 446 assaults on DOC staff per year for the past three years. DOC assumes that all assaults occurring in a correctional facility are intentional and therefore considered aggravated assaults under this bill.
- Aggravated assault is currently punishable as a Class C or Class D felony.
- According to the U.S. Census Bureau, population growth in Tennessee has averaged 1.09 percent per year for the past 10 years.

- Two hundred persons will be convicted of a Class E felony for assaulting a law enforcement or correctional officer in the first year that would have been convicted of Class A or B misdemeanors. Population growth of 1.09 percent per year will result in 23 additional offenders charged with a Class E felony in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 223 offenders serving 0.3 years.
- Two hundred twenty-three offenders will serve 0.3 years (109.58 days). According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate is \$6,592.33 (\$60.16 x 109.58 days). The total operating cost for 223 offenders is \$1,470,089.59 (\$6,592.33 x 223).
- Two persons will be convicted of a Class E felony for removing a chemical weapon or handcuffs from a law enforcement or correctional officer and will serve 0.3 years (109.58 days). The cost per inmate is \$6,592.33 (\$60.16 x 109.58 days). The total operating cost for two offenders is \$13,184.66 (\$6,592.33 x 2).
- One person will be convicted of a Class D felony for removing a firearm or stun weapon from a law enforcement or correctional officer and will serve 0.6 years (219.15 days). The cost per inmate is \$13,184.66 (\$60.16 x 219.15 days).
- Eighteen persons will be convicted of a Class B felony for aggravated assault on a law enforcement or correctional officer in the first year that would have been convicted of simple assault and will serve an additional 1.5 years (an increase from 0.9 years for simple assault to 2.4 years for aggravated assault). Population growth of 1.09 percent per year will result in two additional offenders charged with a Class B felony in the tenth year as a result of this bill. The maximum cost in the tenth year is based on 20 offenders serving additional time on their sentences after enactment of this bill. The cost per inmate at 0.9 years is \$19,776.40 (\$60.16 x 328.73 days). The cost per inmate at 2.4 years is \$52,736.26 (\$60.16 x 876.60 days). The additional cost from increasing the average sentence length from 0.9 years to 2.4 years is \$32,959.86 (\$52,736.26 - \$19,776.40). The total additional operation cost for 20 offenders per year is \$659,197.20 (\$32,959.86 x 20).
- Local government will have a decrease in expenditures and revenue associated with misdemeanor offenses that will be elevated to felony offenses under this bill.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized initial "J".

James W. White, Executive Director

/lsc